REMARKS/ARGUMENTS

After the foregoing Amendment, claims 30 – 38 are currently pending in this application.

Double Patenting Rejection

Claims 30 – 38 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 20 of U.S. Patent Application No. 10/767,843. A Terminal Disclaimer is submitted herewith to overcome the obviousness-type double patenting rejection. The withdrawal of the obviousness-type double patenting rejection is respectfully requested.

Claim Rejections - 35 USC § 103

Claims 30, 31, and 34 -36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,324,160 B1 to Martin et al. (hereinafter Martin) in view of U.S. Publication No. 2005/0054366 A1 to Chen et al. (hereinafter Chen).

Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,324,160 B1 to Martin et al. (hereinafter Martin) in view of U.S. Publication No. 2005/0054366 A1 to Chen et al. (hereinafter Chen) and further in view of U.S. Patent No. 6,470,001 B1 to Kim et al. (hereinafter Kim).

Claims 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,324,160 B1 to Martin et al. (hereinafter Martin) in view of U.S. Publication No. 2005/0054366 A1 to Chen et al. (hereinafter Chen) and further in view of U.S. Patent No. 6,438,377 B1 to Savolainen (hereinafter Savolainen).

As previously described, Applicants' disclose a method and base station for aligning a field unit that comprises receiving a reverse link signal from a field unit and determining a gross timing offset with respect to reverse link channels from other field units sharing the same reverse link logical channel. A metric associated with the received reverse link signal is calculated and a determination based on the metric whether the base station should control the alignment of the field unit is selectively made. Martin does not disclose Applicant's claimed method.

Martin discloses an adaptive receiver for base stations. The receiver is capable of analyzing a plurality of components of the same signal transmitted by a mobile station arriving at the antenna array via different propagation paths and from different direction with a time offset. *See* Abstract. Martin discloses a signal propagation time where the value is such that the signal components incoming over the signal paths detected at different points in time are synchronized. There is no disclosure by Martin of determining a gross timing offset with respect to reverse link channels from <u>other</u> field units sharing the same reverse link logical channel.

Again, Martin specifically states that:

> The object of the present invention is to provide an adaptive receiver for antenna arrays. . . capable of amplifying the useful portion of several components of the same signal received on different paths. . . (Emphasis added).

Martin, Col. 1, lines 48-58. Therefore, Martin teaches away from Applicants' method and apparatus in which a gross timing offset is determined with respect to reverse link channels from other field units sharing the same reverse link logic channel. Further, as admitted by the Examiner,

> Martin does not specifically disclose selectively determining based on said metric whether said base station should control the alignment of said field unit.

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Chen discloses a method and apparatus for adjusting the transmission power of base stations in simultaneous communication with a mobile station. Like Martin, Chen does not disclose the determination of a gross timing offset with respect to reverse link channels form other field units sharing the same reverse link logical channel and selectively determining, based on the metric, whether the base station should control the alignment of the field unit. In Chen, the mobile station determines the transmit power to be used by the base station the mobile station is being handed to. The base station in Chen does not determine a gross timing offset relative to other field units, nor does the base station determine whether it should

control the alignment. Accordingly, Chen is contrary to Applicants' disclosed method and apparatus.

Neither Kim nor Savolainen disclose those elements of Applicants' disclosed method and apparatus missing from Martin and Chen. Therefore, Martin, Chen, Kim, or Savolainen, alone or in combination with one another, do not disclose Applicants' method and apparatus claimed in claim 30.

Claims 31 – 38 are dependent upon claim 30 and the Applicants believe these claims are allowable over the cited references of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the §103 rejection is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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